

**IVINS
CITY COUNCIL
MINUTES
February 18, 2016**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.

STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Kevin Rudd, Public Works Director/City Engineer Chuck Gillette, Director of Finance/Administrative Director Wally Ritchie, and City Recorder Kari Jimenez.

EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Roberts led the Flag Salute

C. Invocation

Council Member Roberts gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Awards for Fire and EMS personnel

Mayor Hart reported that this agenda item has been postponed to a future City Council meeting agenda.

B. Presentation regarding Days of 47 participation and events

There was no one present at the time this agenda item was called.

C. Presentation regarding creating a Youth Council

Elijah Dale and **Camden Schwendiman** were present and provided a presentation to the City Council regarding their interest in Ivins City creating a Youth Council. Elijah attends a private school in St. George and Camden attends Snow Canyon Middle School. Both students enjoy politics. They made recommendations to the City Council about creating a City Youth Council and the Mayor and City Council agreed to discuss this on the next City Council agenda.

D. Department Reports: Building Department; Public Works/Engineering; Finance

Mayor Hart indicated that all department reports had been provided in writing. A copy of the reports are available by request through Ivins City Hall. **Chuck Gillette** reported that the developers for Rocky Vista University and Sentierre would like to start grading the properties for their projects. He referred to a road issue on 200 East where there's a large bump in the road. A warning sign will be put up and that will be repaired the week of February 22, 2016. He reported that construction on Highway 91 began the week of February 8, 2016. **Wally Ritchie** provided a monthly budget report to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall. He reported that there are some items that are over budget and the City is aware of those and will be making adjustments. The City is preparing for the budget process for next fiscal year and bonding for storm drain projects.

E. Planning Commission Report

Chairperson Loris reported that the Planning Commission held three (3) Public Hearings on the following:

1) a proposed zone change for property located at approximately 800 South and Main Street; 2) a proposed amendment to the Land Use Plan for property located on the south side of Snow Canyon Parkway at approximately 1300 East; and 3) a Preliminary Plan for the Indigo Trails Subdivision. The Planning Commission recommended approval of the proposed zone change for property located at approximately 800 South and Main Street, proposed modified amendment to the Land Use Plan for property located on the south side of Snow Canyon Parkway at approximately 1300 East, and approval of the Preliminary Plan for the Indigo Trails Subdivision. The proposed zone change for property located on the south side of Snow Canyon Parkway at approximately 1300 East was tabled until the land use change is finalized by the City Council. The Planning Commission will hold Public Hearings on proposed amendments to the Subdivision Ordinance and the Zoning Ordinance text including the Table of Uses, at their meeting on March 1, 2016 as well as discuss an amendment to the Zoning Ordinance for Recreational Vehicle Resort.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

None

B. Presentation regarding Days of 47 participation and events

Rick Neilson arrived and asked to give his presentation regarding The Days of 47 Dixie, Inc. He is president of The Days of '47 Dixie, Inc. The Days of '47 Dixie, Inc. has taken the historical 24th of July celebration/Days of 47 celebration and expanded that to a week long event rather than just one day. They will invite each city or town to be a venue for an event of their choosing and host that event on one of the days during the week of the celebration. The cities or towns are invited to participate in The Days of '47 Parade by entering at least two (2) floats. The Osmond Family approached City of St. George Mayor Pike regarding their interest in bringing their Pioneer Heritage program to St. George. He asked the City Council to consider funding to support The Days of '47 program in the budget for next fiscal year. He also requested that the Mayor and City Council think of someone to represent the City on the Days of 47 committee. He also clarified that the parade will not be moved to St. George and will remain in Washington City. The **Mayor and City Council** agreed to discuss this at the next City Council meeting.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2016-04R, a Resolution of Ivins City, Utah, authorizing the issuance and sale or not more than \$4,110,000 aggregate principal amount of storm and waste water revenue and refunding bonds, Series 2016 and related matters

Wally Ritchie indicated that there are a number of projects that need to be done to mitigate damages from flooding. Interest rates are low right now so there is an opportunity to refinance the storm water bonds and save the City approximately \$200,000. At the same time additional money can be added to accomplish completing some of the priority projects. **Council Member**

Densley inquired if the payments will remain the same. **Wally Ritchie** stated that the payments will go up slightly. **Council Member Densley** inquired if the City will have to raise taxes to cover the difference. **Wally Ritchie** indicated no and stated that the difference would be absorbed into the storm drain master plan rates and is included in the numbers that they went through at the Work Meeting. Some of the bond payment can be made with impact fees but a City cannot pledge impact fee revenues for the bond because those are not a secure revenue source. **Council Member Roberts** referred to user rates and inquired if over a five (5) year period rates would be raised \$4-\$5 more. **Wally Ritchie** stated it's approximately \$4.00. **Council Member McDonald** indicated that this is something that the Council needs to do to avoid serious damage in the event of another 100 year storm and protect the homes that are currently here and plan for the future at the same time. **Mayor Hart** inquired as to the time frame of the bond being finalized and construction beginning on the major projects. **Wally Ritchie** stated that funds would be available April 7, 2016. **Chuck Gillette** indicated that the study will be brought back to the City Council for approval at the next City Council meeting and if it's approved, they would start the design work then. **Mayor Hart** inquired if the projects could be done and in place before September of this year. **Chuck Gillette** stated that would be a tight time frame because of the process of obtaining bids. **Council Member Roberts** inquired if the user rate fee structure was written into the bond or if there's some other way to keep the user rates lower. **Wally Ritchie** indicated no and that the rate structure is separate from the bond. **Council Member Roberts** inquired if the bond approval is going to determine the fee rate. **Wally Ritchie** stated no but that the City has to make sure there are fees to meet the coverage ratios for the bonds. **Council Member Roberts** inquired if the Council approves this resolution and then at the Public Hearing if the Council decides not to proceed, does the City still have to pay the fees for the bond council and the like. **Wally Ritchie** indicated yes. **Dale Coulam** clarified that it's a legal process. You start with a parameters resolution where you set the parameters of what the bond is going to be, knowing that if you obtain the terms that you want, you proceed with the bond. If not, it doesn't make sense to commit the fees for the experts. All of that is built into that process but the City cannot begin the process until a parameters resolution is adopted.

MOTION: Council Member Densley moved to approve Resolution No. 2016-04R, a Resolution of Ivins City, Utah, authorizing the issuance and sale or not more than \$4,110,000 aggregate principal amount of storm and waste water revenue and refunding bonds, Series 2016 and related matters

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

B. Discuss and consider approval of Resolution No. 2016-05R, a Resolution of Ivins City, Utah, adopting the Municipal Wastewater Planning Program

Chuck Gillette reported that this is a report that is submitted to the State every year, reporting the status of the sewer system.

MOTION: Council Member Mehr moved to approve Resolution No. 2016-05R, a Resolution of Ivins City, Utah, adopting the Municipal Wastewater Planning Program

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

C. Discuss and consider names or nick names for a portion of Center Street and Ivins Reservoir
Mayor Hart indicated that Ivins has an opportunity particularly in developing Ivins image as a tourist area, to focus on a couple of things. One is Ivins Reservoir and it will always be known as that to the locals but it doesn't conjure up what that is for those who have never been there. He spoke with Ron Thompson at the Water Conservancy District regarding this and a couple of names were mentioned and thought given as he met with members of the Shivwits Band. Five (5) of their members were present and they suggested that there be a contest to name Ivins Reservoir. The other is the section of Center Street from the roundabout intersection to Snow Canyon State Park to 200 East and the thought is with Rocky Vista University (RVU) coming, naming that Rocky Vista Boulevard although a representative for Rocky Vista University thought that a more appropriate name would be Medical Drive or Medical School Drive. **Council Member McDonald** referred to the time when the City renamed 200 East and indicated that was done primarily to assist with obtaining funding because it would look better on an application. He inquired if changing the name for the section of road that the Mayor is referring to, would assist with obtaining funding. **Mayor Hart** was looking at it from the perspective of enhancing Ivins' image. **Council Member Densley** liked the contest idea for the Reservoir but was concerned with renaming that portion of Center Street because there is still a lot of developable land in that area. He'd like to leave Center Street as it is. He inquired if Rocky Vista was agreeable to using their name. **Dale Coulam** clarified that RVU's attorney did not think that would be a problem but he would be discussing that with the owners. **Dale Coulam** suggested holding off renaming Center Street for awhile to see how things develop. **Council Member Roberts** referred to Sand Hollow Reservoir and Quail Lake Reservoir and stated they're named that because they're reservoirs and not lakes. Regarding Center Street, he indicated it already has a nickname. People know it as Snow Canyon Parkway all the way to 200 East. **Council Member Mehr** preferred to leave Ivins Reservoir and Center Street as they are. He was concerned about the precedence that would be set by naming a street after a private company in the City. He wasn't opposed to naming a street after them but felt it was premature at this point to consider renaming Center Street. **Council Member Johnson** would like to leave Center Street as it is for now and put Ivins Reservoir out for a contest to name it. **Council Member McDonald** understood the marketing aspect of looking at a nickname for Center Street. Regarding Ivins Reservoir, would like it to remain as Ivins

Reservoir. It was determined that Center Street will remain as it is and there will be a contest to rename Ivins Reservoir. That will be announced in the newsletter with a notation that if the preference is to keep the Ivins Reservoir name, note that as an option.

D. Discuss budget priorities for Fiscal Year Ending (FYE) 2017

Wally Ritchie provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. He reported that Ivins City's budget shows a soft freeze meaning no new employees will be hired but if an employee leaves, that employee can be replaced. The budget is flat so any discretionary increases must be covered by a comparable reduction. Social Security did not provide for a COLA (Cost of Living Allowance) for 2016. Ivins has not budgeted for salary increases, additional employees or new equipment for streets. The **Mayor and City Council** agreed with what was presented.

E. Continue to discuss and consider approval of Ordinance No. 2016-04, an Ordinance of Ivins City, Utah, amending vegetation used to screen personal property

Dale Coulam reported that Council Member Densley and Code Enforcement Officer Dennis Murphy met with a representative of one of the properties using bamboo. After seeing the photos and having explained to him the consequences, he agreed and understood the violation. Some of the bamboo was planted after the ordinance was passed which is a violation of that law. **Council Member Densley** stated that the bottom line was the only way the family is going to do anything about the violation is to give them an ultimatum, cite and fine them and lien the property. **Dale Coulam** clarified that the language in red actually helps the owners understand that the City's position that the property owner is liable for cleanup of bamboo debris and for any damages caused by the bamboo, such as flooding or fire. **Council Member Densley** stated that the grandfather owns the property but he has some health issues relating to comprehension and the grandson was going to talk to his dad and then meet with Dennis Murphy and him to give feedback from the family members but he wasn't sure if that had occurred. **Dale Coulam** indicated he wasn't aware of that having occurred but was willing to table this to allow for that discussion to take place. **Council Member**

Johnson suggested the City could be generous about an immediate citation but still adopt the ordinance because the City needs to do something about the situation. The ordinance is not pointing fingers at any particular land owner because there are several places in the community that have the bamboo and this ordinance is to protect the community. **Council Member**

McDonald agreed that the City needs to adopt the ordinance but suggested it be postponed one more meeting to follow up with the property owners. **Council Member Mehr** had several concerns about the ordinance. He wasn't saying that property owners should do whatever and create a problem for the neighbors and the City. He suggested the language of "shall be liable" be changed to "may be liable". **Council Member Roberts** indicated that the Council Members also represent the people who have the possibility of being flooded. The bamboo in this situation is not old and was planted recently. The City went to great expense to put in a drainage system to help relieve the possibility of flooding to those residents across the street. He agreed with Council Member Johnson and suggested they adopt the ordinance now. **Dale Coulam** stated that he is not opposed to changing "shall be liable" to "may be liable". **Mayor Hart** indicated that the section of new bamboo is that section that runs along the City's new storm drain. However the language of the ordinance is formulated, if the people across the street are flooded and yes they may be able to recover through litigation but that's costly and time consuming. He suggested that the City could immediately enforce removing the new section of bamboo or the City remove it. **Dale Coulam** clarified that the bamboo is on private property so the City would

not trespass and remove it. **Mayor Hart** stated the City can say it's their job to not let anything get into that storm drain but when the storm occurs and the storm drain plugs up and the water flows across the street, all of the expense of putting in that new storm drain is for not. **Dale Coulam** clarified that if the City is continually cleaning up the mess because homeowners are using bamboo as a screening device, other tax paying citizens who aren't using bamboo are the ones paying the costs for cleaning up a mess caused by an invasive plant that has been outlawed by the City. **A majority of the Council Members** agreed to continue this agenda item to the next City Council meeting.

MOTION: Council Member Densley moved to continue this agenda item to the next City Council meeting

SECOND: Council Member Mehr

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

F. Discuss potential selection of External Audit services

Wally Ritchie stated that seven (7) proposals were received from accounting firms throughout the State in response to the RFP (Request for Proposals). The City had several criteria and looked at each proposal based on that criteria. Pricing, experience with cities, staff experience, working with GFOA requirements, the office location and working with staff are some of the criteria. Four (4) people in the City reviewed all seven (7) proposals and provided composite scoring. There were two (2) firms that stood out and the City would like to recommend approving to move forward with Larsen and Company, which is located in Spanish Fork, for audit services. **Council Member Roberts** inquired if there were any local firms and where the other firms were located. **Wally Ritchie** indicated that there were three (3) firms from St. George, one from Cedar City, one from Salt Lake and another one from Utah County. **Dale Coulam** stated that an advantage to the location of Larsen and Company is they have experience with the financial software that Ivins uses (Pelorus) and that company is also located in Utah County. The second choice the City has used in the past and felt that it's good to use different auditors from time to time. High recommendations from other notable cities were given for Larson and Company and they were unanimous for the four (4) reviewers. **Council Member Mehr** inquired what the term length was and if there were any known conflicts. **Wally Ritchie** clarified that the term was five (5) years and there were no known conflicts.

MOTION: Council Member Roberts moved to approve the selection of the External Audit Services as detailed

SECOND: Council Member Mehr

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE

Council Member Densley	AYE
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6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for February 4, 2016

B. Approval of City Council Work Meeting Minutes for February 9, 2016

MOTION: Council Member Johnson moved to approve the Consent Agenda

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr - no report

Council Member McDonald reported there was a meeting last Monday for the Washington County Solid Waste District. The company that was awarded the bid for collecting recyclables didn't show up for the meeting. He reiterated his concerns regarding that company.

Council Member Johnson - no report

Council Member Roberts reported that the Southwest Mosquito Abatement and Control District held a board meeting and they are preparing to hire seasonal workers.

Council Member Densley reported that he attended a meeting with Dale Coulam in Santa Clara regarding the name change and mascot for Dixie State University. The three (3) finalists are the Trail Blazers with a buffalo mascot, the Raptors with a dinosaur mascot and the Sun Warriors with a Trojan Warrior mascot. The final decision will be made by the President of the University.

B. Mayor

Mayor Hart reported that he met with the County Commissioners, the NRCS (Natural Resources Conservation Service) Board and couple of other Mayors. Utah has been extremely successful in garnering funding through the NRCS and many projects have been completed using that funding. The NRCS applied to congress and the NRCS is funded based on specific projects. Ivins City's project was one of them. There are two (2) detention basins that are proposed on the west side that are part of storm water mitigation that would be categorized as preventing future damage to the City and \$1.6 million dollars has been funded for that. He would like Chuck Gillette to look at projects that would qualify and get on the list each for potential funding of needed projects. He was invited to participate in the Engineers' roundtable and Chuck Gillette and Tom Jorgensen were part of that. It's an opportunity for Mayors to present what's going on in their City to Civil Engineers and particularly City Engineers from across the State. He attended a Dixie Transportation Executive Committee meeting and there was a presentation by Vision Utah, which is similar to Vision Dixie. They are looking at a lot of different things like air issues and the like. The City may want to revisit Vision Dixie because each year there's another approximately 15 percent that do their shopping on-line. It's

forecasted over a period of time there will be a serious sales tax decline unless there's something worked out with sales tax for internet purchases. Cities are going to have to look at redevelopment and repurposing retail facilities because the demand is not going to be there long term and that impacts how the City develops the transportation plans.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that Mayor and Council have been invited to attend an opening ceremony for the Harmon's Grocery store on Monday, February 22, 2016 at 6:00 p.m. **Mayor Hart** stated that the grand opening will be on Wednesday, February 24, 2016.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 7:35 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder